

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
 DENISE SAM-SEKUR, :  
 :  
 Plaintiff, :  
 :  
 -against- :  
 :  
 THE WHITMORE GROUP, LTD., :  
 :  
 Defendant. :  
 -----X

JOSEPH F. BIANCO, District Judge:

For the reasons set forth in detail on the record on December 19, 2012, IT IS HEREBY ORDERED that defendant's motion to dismiss the amended complaint is granted to the extent that plaintiff's complaint attempted to allege a hostile work environment pursuant to the Americans with Disabilities Act (ADA). However, defendant's motion to dismiss plaintiff's ADA claim is denied as to the direct disability claim and the regarded as claim.

Plaintiff's motion to amend the complaint to add a claim under the Family Medical Leave Act (FMLA) is granted. Plaintiff shall submit her second amended complaint by January 29, 2013. Defendant shall submit a letter to the Court indicating whether it wishes move to dismiss plaintiff's claim under the FMLA by February 8, 2013.

SO ORDERED.

s/  
 Joseph F. Bianco  
 United States District Judge

Dated: December 20, 2012  
 Central Islip, New York

LONG ISLAND OFFICE

★ DEC 20 2012 ★